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2
3 DECISION AND ORDER
4 OF THE
5 BOARD OF PSYCHOLOGY
6

7 DEPARTMENT OF CONSUMER AFFAIRS
8

9 The attached Stipulated Surrender of License, in case number W285, is hereby adopted
10 as the Decision and Order of the Board of Psychology, Department of Consumer Affairs. An
11 effective date of August 21, 2005 has been assigned to this Decision and
12 Order.
13

14 Made this 22nd day of July, 2005.
15

16 Jacqueline B. Horn, Ph.D.
17 Jacqueline B. Horn, Ph.D.
18 President, Board of Psychology
19 Department of Consumer Affairs
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24
25

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of the State of California
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8

9 **BEFORE THE**
10 **BOARD OF PSYCHOLOGY**
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. W-285

13 **PAUL PELOQUIN, Ph.D.**
100 Tamal Plaza, #107
14 Corte Madera, CA 94925

15 Psychologist's License No.
PSY 12727

**STIPULATED SURRENDER OF
LICENSE**

16 Respondent.
17

18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Complainant Thomas O'Connor is the Executive Officer of the California
22 Board of Psychology. He brought this action solely in his official capacity and is represented in
23 this matter by Bill Lockyer, Attorney General of the State of California, by Robert C. Miller,
24 Deputy Attorney General.

25 2. Respondent is represented by John L. Fleeer, Esq., 91 Tara Road, Orinda,
26 California 94563.

27 3. On or about March 6, 1992, the California Board of Psychology issued
28 Psychologist's License No. PSY 12727 to Paul Peloquin, Ph.D. ("Respondent"). Said license

1 became inactive due to continuing education deficiency and will expire on March 31, 2006,
2 unless renewed. An Interim Suspension Order was issued on February 8, 2005, prohibiting
3 respondent from practicing psychology.

4 JURISDICTION

5 4. An Accusation Number W-285 was filed before the California Board of
6 Psychology ("Board"), and is currently pending against Respondent. The Accusation, together
7 with all other statutorily required documents, was duly served on Respondent. A copy of the
8 Accusation Number W-285 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and fully discussed with his counsel the
11 nature of the charges and allegations in the Accusation No. W-285. Respondent also has read
12 and carefully considered the Stipulated Surrender of License and understands the effect it will
13 have on his ability to practice.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation, the right to be represented by
16 counsel, at his own expense, the right to confront and cross-examine the witnesses against him,
17 the right to present evidence and to testify on his own behalf and to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents, the right to reconsideration
19 and court review of an adverse decision, and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in the Accusation,
25 if proven at a hearing, constitute cause for imposing discipline upon his Psychologist's License
26 No. PSY 12727

27 9. Respondent admits the truth of the First Cause for Discipline, paragraph
28 15, in Accusation Number W-285, and agrees that cause exists for discipline pursuant to

1 Business and Professions Code sections 726 and 2960, subsections (j), (n), (o), and (p), and
2 hereby surrenders his Psychologist's License to the Board for formal acceptance.

3 **EFFECT OF SURRENDER**

4 10. Respondent understands that by signing this stipulation he enables the
5 Board to issue its order accepting the surrender of his Psychologist's License without further
6 process.

7 11. Upon acceptance of the stipulation by the California Board of Psychology,
8 Respondent understands that he will no longer be permitted to practice as a psychologist in
9 California, and also agrees to surrender and cause to be delivered to the Board both his license
10 and wallet certificate before the effective date of the decision.

11 12. Respondent fully understands and agrees that if he ever files an application
12 for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for
13 reinstatement. Respondent must comply with all the laws, regulations and procedures for
14 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges
15 and allegations contained in the Accusation Number W-285 will be deemed to be true, correct
16 and admitted by Respondent when the Board determines whether to grant or deny the petition.

17 13. Respondent may not petition for reinstatement of a revoked or surrendered
18 license for three years from the effective date of this Decision and Order. If the Board grants
19 future reinstatement, respondent agrees to reimburse the Board for its costs of investigation and
20 enforcement of this matter in the amount of ten thousand two hundred thirty nine dollars
21 (\$10,239) payable to the Board upon the effective date of such reinstatement Decision.

22 **RESERVATION**

23 14. The admissions made by Respondent herein are only for the purposes of
24 this proceeding, or any other proceedings in which the Board or other professional licensing
25 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

26 **CONTINGENCY**

27 15. This stipulation shall be subject to the approval of the California Board of
28 Psychology. Respondent understands and agrees that counsel for complainant may communicate

1 directly with the California Board of Psychology regarding this stipulation and settlement,
2 without notice to or participation by Respondent. If the Board fails to adopt this stipulation as its
3 Order, the Stipulation for Surrender of License Order shall be of no force or effect, it shall be
4 inadmissible in any legal action between the parties, and the Board shall not be disqualified from
5 further action in this matter by virtue of its consideration of this stipulation.


6 16. The parties agree that facsimile copies to this Stipulated Surrender of
7 License, including facsimile signatures thereto, shall have the same force and effect as original
8 Stipulated Settlement signatures.

9 ACCEPTANCE

10 I, Paul Peloquin, Ph.D., have carefully read the above Stipulated Surrender of
11 License and enter into this agreement freely and voluntarily, and with full knowledge of its force
12 and effect, do hereby surrender my Psychologist's License No. PSY 12727 to the California
13 Board of Psychology for its formal acceptance. By signing this Stipulated Surrender of License, I
14 recognize that upon its formal acceptance by the Board I will lose all rights and privileges to
15 practice as a psychologist in the State of California and I will also cause to be delivered to the
16 Board both my license and wallet certificate before the effective date of the decision.

17 I further agree that a facsimile copy of this Stipulated Surrender of License
18 including facsimile copies of signatures, may be used with the same force and effect as the
19 originals.

20 DATED: 05/31/05


PAUL PELOQUIN, Ph.D.
Respondent

22 I concur as to form.

23 DATED: 5/31/05


JOHN L. FLEER, ESQ.
Attorney for Respondent

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26 ///

27 ///

28 ///

ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for consideration.

DATED: 6/16/05

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL, Supervising Deputy
Attorney General



ROBERT C. MILLER
Deputy Attorney General

Attorneys for Complainant

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EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL, State Bar No. 84134
Supervising Deputy Attorney General
3 ROBERT C. MILLER, State Bar No. 125422
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11 **BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. W-285

14 **PAUL PELOQUIN, Ph.D.**

ACCUSATION

15 100 Tamal Plaza, #107
Corte Madera, CA 94925

16 Psychologist's License No.
17 PSY 12727

18
19 Respondent.

20 The Complainant alleges:

21 **PARTIES**

22 1. Complainant, Thomas O'Connor, is the Executive Officer of the California
23 Board of Psychology (hereinafter the "Board") and brings this accusation solely in his official
24 capacity.

25 2. On or about March 6, 1992, Psychologist's License No. PSY 12727 was
26 issued by the Board to Paul Peloquin, Ph.D. (Respondent). Said license became inactive due to
27 continuing education deficiency and will expire on March 31, 2006 unless renewed.

28 ///

JURISDICTION

3. Business and Professions Code (hereinafter "Code") section 2960 provides, in pertinent part, that the Board shall take action against any licensee who is charged with unprofessional conduct. Unprofessional conduct includes but is not limited to:

- (j) being grossly negligent in the practice of the profession;
- (k) violating any of the provisions of Chapter 6.6 or duly adopted regulations;
- (n) the commission of any dishonest, corrupt or fraudulent act;
- (o) any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy.
- (p) functioning outside of his particular field of competence as established by his education, training and experience.

4. Code section 2960.1 provides in part that notwithstanding Section 2960, any proposed decision or decision issued under this chapter in accordance with procedures set forth in the Administrative Procedure Act that contains a finding of fact that the licensee engaged in any act of sexual contact as defined in Code section 728, when that act is with a patient or with a former patient within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the Administrative Law Judge.

5. Code section 728 provides in part that "sexual contact" means the touching of an intimate part of another person.

6. Code section 2936 provides in part that the Board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (hereinafter "APA") Those standards shall be applied by the Board as the accepted standards of care in all Board disciplinary case evaluations.

7. Section 4.05 of the APA Ethical Principles of Psychologists and Code of Conduct (hereinafter "Ethics Code") provides that "Psychologists do not engage in sexual intimacies with current patients or clients."

1 8. Section 4.07 of the APA Ethics Code provides that:

2 “(a) Psychologists do not engage in sexual intimacies with a former
3 therapy patient or client for at least two years after cessation or termination
4 of professional services.

5 (b) Because sexual intimacies with a former therapy patient or client
6 are so frequently harmful to the patient or client, and because such
7 intimacies undermine public confidence in the psychology profession and
8 thereby deter the public’s use of needed services, psychologists do not
9 engage in sexual intimacies with former therapy patients and clients even
10 after a two-year interval except in most unusual circumstances. The
11 psychologist who engages in such activity after the two years following

12 cessation or termination of treatment bears the burden of demonstrating
13 that there has been no exploitation, in light of all relevant factors,
14 including (1) the amount of time that has passed since therapy terminated,
15 (2) the nature and duration of the therapy, (3) the circumstances of
16 termination, (4) the patient’s or client’s personal history, (5) the patient’s
17 or client’s current mental status, (6) the likelihood of adverse impact on
18 the patient or client and others, and (7) any statements or actions made by
19 the therapist during the course of therapy suggesting or inviting the
20 possibility of a post-termination sexual or romantic relationship with the
21 patient or client. (See also Standard 1.17, Multiple Relationships.)”

22 9. Section 2.01(b) of the APA Ethics Code provides in part that psychologist
23 assessments and diagnostic statements are based on information and techniques sufficient to
24 provide appropriate substantiation of their findings.

25 10. Section 1.17 Multiple Relationships of the APA Ethics Code provides
26 that:

27 “(a) In many communities and situations, it may not be feasible or
28 reasonable for psychologists to avoid social or other nonprofessional

1 contacts with persons such as patients, clients, students, supervisees, or
2 research participants. Psychologists must always be sensitive to the
3 potential harmful effects of other contacts on their work and on those
4 persons with whom they deal. A psychologist refrains from entering into
5 or promising another personal, scientific, professional, financial, or other
6 relationship with such persons if it appears likely that such a relationship
7 reasonably might impair the psychologist's objectivity or otherwise
8 interfere with the psychologist's effectively performing his or her
9 functions as a psychologist, or might harm or exploit the other party.

10 (b) Likewise, whenever feasible, a psychologist refrains from taking
11 on professional or scientific obligations when pre-existing relationships
12 would create a risk of such harm.

13 (c) If a psychologist finds that, due to unforeseen factors, a potentially
14 harmful multiple relationship has arisen, the psychologist attempts to
15 resolve it with due regard for the best interests of the affected person and
16 maximal compliance with the Ethics Code."

17 11. Section 118(b) of the Code provides in part that the suspension,
18 expiration, or forfeiture by operation of law of a license issued by a board shall not during any
19 period in which it may be renewed, restored, reissued, or reinstated deprive the board of its
20 authority to institute or continue a disciplinary proceeding against the licensee.

21 12. Section 125.3 of the Code provides, in part, that, in any proceeding
22 before the Board, the Board may request the administrative law judge to direct the respondent if
23 the judge finds that the respondent has violated the laws and regulations relating to the practice
24 of psychology to pay the reasonable costs of investigation and enforcement of the case.

25 13. Section 2964.6 of the Code provides that if probation is imposed in a
26 case before the Board of Psychology, the decision may also require that the licensee pay the costs
27 associated with monitoring the probation.

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1 Code Section 726 provides in part that the commission of any act of sexual abuse, misconduct or
2 relations with a patient constitutes unprofessional conduct.

3 14. Respondent has engaged in conduct constituting violations of the
4 Psychology Licensing Law, specifically Code sections 2960, 2960(j), (k), (n), (o), (p) and Code
5 section 726 as set forth in more particularity hereinbelow.

6 **FIRST CAUSE FOR DISCIPLINE**
7 **(Sexual Misconduct with a Patient)**
8 **[Bus. & Prof. Code §§ 2960(o) and 726]**

9 15. On or about August 2001, J.M.¹ was referred to respondent by her primary
10 care physician, Dr. Steinbach, for neuropsychological assessment and treatment. Dr. Steinbach
11 had been following J.M., who was then 61 years old and married, for transient ischemic attacks.
12 J.M. had experienced cognitive difficulties since 1996, including short-term memory and
13 attention problems. She had been followed and treated by a number of physicians, including
14 neurologists. The first appointment with respondent was on August 6, 2001, at Kentfield
15 Rehabilitation Center where respondent conducted an intake interview. Subsequent appointments
16 from August 8, 2001 to September 26, 2001 were held at respondent's office and apartment.
17 Respondent did not bill for these sessions. Respondent did not act in a professional manner, but
18 began "courting" her. During these sessions, respondent told her that she was attractive and
19 "special." He revealed personal information about his life and his difficulties. He took her on
20 walks and fixed meals for her. He told her that he would pray for her. He told her that he felt
21 "called" to heal and care for her. Beginning on September 13, 2001 respondent and J.M.
22 exchanged emails. In the first email from respondent to J.M. dated September 13, he wrote:
23 "You touch me deeply and I feel your comfort." On September 18, he wrote: "I want you near if
24 you dare." On September 23 respondent wrote: "I still want you, want you, and will always
25 want you...you have shown me the sweetest love, a love I could barely have imagined. I love
26 you."

27 1. Initials will be used to protect patient privacy. The full name will be provided in
28 discovery.

1 16. During the weekend of September 27, 2001, J.M. spent the weekend at
2 respondent's apartment where they had their first sexual contact. J.M. continued to see
3 respondent at his apartment. Respondent invited her to accompany him on a trip to New Mexico
4 from October 4 to October 13, 2001. J.M. declined. Respondent sent her emails and telephoned
5 almost daily. In October 2001, respondent offered to buy out J.M.'s husband's share of their
6 condominium. J.M.'s relationship with her husband deteriorated and she longer slept in the same
7 bed with him.

8 17. On or about November 14, 2001, respondent invited J.M. to lunch at his
9 apartment before her appointment with appointment with Dr. Steinbach. Respondent created a
10 formal draft report for Dr. Steinbach. He created or made-up psychological test data. J.M. took
11 the report to Dr. Steinbach. The relationship continued until January 2002. In April 2002,
12 respondent wrote a letter of apology to J.M.'s husband.

13 18. Respondent is guilty of gross negligence and unprofessional conduct
14 within the meaning of Code sections 2960(j), 2960(o), and 726 in that he became sexually
15 involved with patient J.M.. Said conduct also violates Sections 4.05 and 4.07 of the APA Ethics
16 Code.

17 **SECOND CAUSE FOR DISCIPLINE**
18 **(Creation of Fraudulent Test Data)**
19 **[Bus. & Prof. Code § 2960(n)]**

20 19. Petitioner incorporates paragraphs 15 through 17 above as if set forth in
21 full.

22 20. Respondent is guilty of unprofessional conduct in violation of Code
23 section 2960(n) in that he made up numbers on psychological tests which he submitted to J.M.'s
24 referring physician and constitutes dishonesty, corrupt and/or fraudulent acts in the practice of his
25 profession. Said conduct also violates Section 2.01(b) of the APA Ethics Code.

26 **THIRD CAUSE FOR DISCIPLINE**
27 **(Functioning outside of his area of competence)**
28 **[Bus. & Prof. Code § 2960(p)]**

29 21. Petitioner incorporates paragraphs 15 through 17 above as if set forth in
30 full.

1 22. Respondent is guilty of unprofessional conduct in violation of Code
2 section 2960(p) in that he offered to buy patient J.M.'s home. J.M. was referred to respondent
3 for a neuropsychological evaluation and treatment, not for his real estate expertise. It is a
4 departure from the standard of care for psychologists to enter into dual relationships with clients
5 because of the possibility of exploitation. Said conduct also violates APA Ethics Code section
6 1.17.

7 **FOURTH CAUSE FOR DISCIPLINE**
8 **(Sexual Misconduct with a Patient)**
 [Bus. & Prof. Code §§ 2960(j)(o), and 726]

9 23. On or about May 9, 2001, patient M.S. saw respondent at Kentfield
10 Rehabilitation Center for a neuropsychological evaluation. M.S. had suffered a brain aneurysm
11 followed by a severe stroke in March 2001, leaving her left arm and hand partially paralyzed. At
12 the initial session, respondent obtained her history and informed her that he wanted to provide
13 her psychotherapy several times a week. From May 2001 until May 2003, M.S. saw respondent
14 2 or 3 times a week mainly at his office. After May 2003, she continued to see respondent on an
15 informal basis 2 or 3 times a week until February 2004. Shortly after commencing therapy with
16 respondent, he massaged her until she had an orgasm. He began making romantic gestures. He
17 took her on walks and told her about his dreams. He invited her to his apartment. He began
18 emailing her signing the emails with the word "love" before his name. They played "footsies"
19 during sessions. He would hug and kiss her at the end of a session. He massaged her until she
20 had an orgasm. M.S. thought that she was in love with him. During the time she was seeing
21 respondent, she used her connections to have respondent appear on two television shows.

22 24. In September 2003, she was contacted by Sr. Inv. Albert Olivares and
23 asked about her relationship with respondent. She initially denied a sexual relationship and
24 provided him with a letter. On or about January 20, 2005, she contacted him and told him the
25 truth about her relationship with respondent. M.S. stated that she felt guilty and responsible for
26 the relationship.

27 25. Respondent is guilty of unprofessional conduct in violation of Code
28 sections 2960(j), 2960(o) and 726 in that he became sexually involved with patient M.S. Said

1 conduct also violates Sections 4.05 and 4.07 of the APA Ethics Code.

2 PRAYER

3 WHEREFORE complainant requests that a hearing be held on the matters herein
4 alleged and that, following the hearing, the Board issue a decision:

5 1. Revoking or suspending Psychologist's License No. PSY 12727 heretofore
6 issued to respondent Paul Peloquin;

7 2. Ordering respondent to pay the Board the actual and reasonable costs of
8 the investigation and enforcement of this case and the costs of probation monitoring if probation
9 is imposed; and

10 3. Taking such other and further action as the Division may deem necessary
11 or proper.

12 DATED: 2/23/05.

13 

14
15 Thomas O'Connor
16 Executive Officer
17 Board of Psychology
18 Department of Consumer Affairs
19 State of California

20 Complainant
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